

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. No. 2:23-cr-20191-MSN
)	
EMMITT MARTIN, III)	

**MOTION TO CONTINUE SENTENCING HEARING AND
CORRESPONDING DEADLINES**

Emmitt Martin, III, through counsel, pursuant to Local Rules 17.1(e) and 32.1(g), and respectfully moves this Court for a continuance of the sentencing hearing in this matter, currently scheduled for December 5, 2024, at 9:30 am. *See* (Notice of Setting, ECF No. 501, PageID 7237). A continuance of 90 days is requested. The government agrees to the continuance.

In further support, the following is respectfully submitted:

1. On August 23, 2024, Mr. Martin entered a guilty plea in this matter as to Counts 1 and 3 of the indictment, with Counts 2 and 4 to be dismissed at sentencing. *See* (Plea Agreement, ECF No. 499, PageIDs 7230–32); (Order on Change of Plea, ECF No. 500, PageID 7236). The sentencing hearing is currently scheduled for December 5, 2024, at 9:30 am. (Notice of Setting, ECF No. 501, PageID 7237).

2. Another defendant in this case, Desmond Mills, entered a plea of guilty to Counts 1 and 3 on November 2, 2023. (Order on Change of Plea, ECF No. 92, PageID 277). Mr. Mills is scheduled for a sentencing hearing on February 20, 2025, at 2:00 pm. (Setting Letter, ECF No. 664).

3. The three remaining defendants went to trial, were convicted, and Mr. Martin and Mr. Mills testified as witnesses against them. (Verdict Form, ECF No. 627, PageIDs 9509–18). Codefendant Tadarrius Bean is set for sentencing on January 22, 2025, at 9:30 am. (Notice of

Setting, ECF No. 635, PageID 9607). Codefendant Demetrius Haley is set for sentencing on January 23, 2025, at 9:30 am. (Notice of Setting, ECF No. 636, PageID 9608). Codefendant Justin Smith is set for sentencing on January 24, 2025, at 9:30 am. (Notice of Setting, ECF No. 637, PageID 9609).

4. Undersigned counsel is actively preparing for the sentencing hearing in this matter but need additional time in order to properly present the issues before this Court for its review. *See generally* 18 U.S.C. § 3553(a). Undersigned counsel is coordinating updated forensic mental health evaluations of Mr. Martin, and additional time is necessary for Mr. Martin to undergo those evaluations and for the mental health professionals to formulate their opinions in written reports, which will be provided to the Court, the U.S. Probation Office, and the government in advance of the sentencing hearing. *See* (Notice Pursuant to Federal Rule of Criminal Procedure 12.2(b)(1), ECF No. 154, PageIDs 815–30).

5. The presentence report has not yet been disclosed to counsel, which is currently due November 1, 2024. *See* LRCrP 32.1(b); (Order on Change of Plea, ECF No. 500, PageID 7236). Mr. Martin respectfully moves this Court to continue all deadlines concerning the presentence report corresponding with the sentencing hearing continuance.

6. This motion is not made for the purpose of procrastination or unreasonable delay in this matter or some other improper purpose, but rather so that counsel may provide the defendant with effective assistance of counsel to which he is entitled, that the defendant receive zealous representation, and that the defendant, through counsel, be able to adequately prepare for sentencing proceedings before this Court.

7. A proposed order will be submitted to the Court's chambers.

Respectfully submitted this 30th day of October, 2024.

RITCHIE, DAVIES, JOHNSON, & STOVALL, P.C.

/s/Stephen Ross Johnson

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CERTIFICATE OF SERVICE

I certify that on October 30, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Stephen Ross Johnson